

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JASON WIMBERLY,

Plaintiff,

-against-

NY COMMUNITY FINANCIAL, LLC d/b/a  
THE CHECK CASHING PLACE AKA  
CFSC CHECK CASHING,

Defendant.

1:24-CV-7644 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under the court's federal question jurisdiction and supplemental jurisdiction. For the reason set forth below, the Court dismisses this action without prejudice.

On October 4, 2024, Plaintiff filed a complaint in this court commencing *Wimberly v. NY Cmty. Fin., LLC*, 1:24-CV-7547 (AS), a civil action that is pending before District Judge Arun Subramanian of this court. On that same date, Plaintiff filed the complaint commencing this action; it is virtually identical to the complaint filed in *Wimberly*, 1:24-CV-7547 (AS). As the complaint filed in this action raises the same claims as those raised in *Wimberly*, 1:24-CV-7547 (AS), no useful purpose would be served by litigating this action. The Court therefore dismisses this action without prejudice as duplicative of *Wimberly*, 1:24-CV-7547 (AS).

**CONCLUSION**

The Court dismisses this action without prejudice as duplicative of *Wimberly*, 1:24-CV-7547 (AS). Because the Court dismisses this action, the Court vacates its October 17, 2024 order in this action directing Plaintiff to, within 30 days, either pay the fees to bring this action or submit an *in forma pauperis* application. (ECF 3.)

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter a judgment dismissing this action for the reason set forth in this order.

SO ORDERED.

Dated: October 22, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge